

## Article - Education

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§16–312.

(a) (1) In this section the following words have the meanings indicated.

(2) “Bonus points” means established bonus or percentage points used during the bid evaluation process to adjust the bid price submitted by minority business enterprises for the purpose of ascertaining the lowest bidder.

(3) “Mandatory set-asides” means a procedure designating a certain percentage of total contract dollars for award to minority business enterprises.

(4) “Mandatory subcontracting” means a procedure mandating that a certain percentage of the dollar amount of designated contracts be subcontracted to minority business enterprises.

(5) “Minority business enterprise” means any business enterprise:

(i) 1. That is at least 51 percent owned by 1 or more minority individuals; or

2. In the case of any publicly owned corporation, at least 51 percent of the stock of which is owned by 1 or more minority individuals; and

(ii) Whose management and daily business operations are controlled by 1 or more minority individuals.

(6) “Percentage points” means established percentage points given for minority business enterprise participation in a sealed proposal process.

(7) “Restrictive bidding” means competitive bidding of designated contracts that are restricted to minority business enterprises.

(8) “Restrictive price quotations” means negotiated small procurements that are restricted to minority business enterprises.

(b) The Board of Trustees of the Prince George’s Community College shall undertake and complete an internal and market fact-finding process by January 1, 1990, to assess the appropriate scope of a minority business enterprise program for the Board. The results of the fact-finding process, including statistical data,

supporting documentation, and reports, shall be reported to the Prince George's County Delegation of the General Assembly by January 31, 1990.

(c) If the fact-finding required by subsection (b) of this section demonstrates a compelling governmental interest to adopt a remedial minority business enterprise program, the Board of Trustees, by resolution and by implementing rules and regulations, shall establish a minority business enterprise program to facilitate the participation of certified minority business enterprises in contracts awarded by the Board. The program shall include specific goals and the definition of "minority individual".

(d) In establishing a minority business enterprise program, the Board of Trustees is authorized to use incentives to achieve the designated goals of the program, including but not limited to:

- (1) Mandatory set-aside procedures;
- (2) Mandatory subcontracting procedures with reasonable waiver provisions;
- (3) The application of bonus points;
- (4) The application of percentage points;
- (5) Restrictive bidding;
- (6) Restrictive price quotations;
- (7) The reduction or waiver of bonding requirements; and
- (8) Incentives to encourage maximum participation by:
  - (i) Small businesses;
  - (ii) A variety of different businesses; and
  - (iii) Businesses located within Prince George's County.

(e) (1) The Board of Trustees may appoint a minority business enterprise officer to administer any minority business enterprise program established, who shall submit reports to the Board of Trustees.

(2) It is the responsibility of the minority business enterprise officer to conduct outreach programs to assist the minority business enterprise community

in participating in any minority business enterprise program established under this section.

(f) The Board of Trustees shall advise the Prince George's County Delegation of the General Assembly regarding the substance of any minority business enterprise program that it establishes.

(g) (1) The program shall be evaluated every 2 years.

(2) The results of any evaluation under this subsection shall be submitted to the Prince George's County Delegation of the General Assembly.

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